



PUBLIC NOTICE

Federal Communications Commission
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DA 08-592

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DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF SWISHER TELEPHONE COMPANY TO TELEPHONE ACQUISITION COMPANY, LLC

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 08-36

Comments Due: April 1, 2008

Reply Comments Due: April 8, 2008

On March 6, 2008, Swisher Telephone Company (Swisher) and Telephone Acquisition Company, LLC (TAC) (collectively, Applicants) filed an application pursuant to section 63.03 of the Commission's rules for authority to transfer control of Swisher to TAC.¹ Swisher, an Iowa corporation, is an incumbent local exchange carrier (LEC) serving the area in and around the City of Swisher in Johnson and Linn Counties in Iowa. In addition to its local exchange and exchange access services, Swisher resells intrastate and interstate long distance toll services in its service area. Applicants state that the following U.S. citizen owns at least 10 percent of the equity of Swisher: Alvin Vondracek. Applicants state that TAC, an Iowa limited liability company, was formed by four U.S.-based telephone companies that each own 25 percent of the equity of TAC: Interstate Enterprises, Ltd. (Interstate), Schaller Telephone Company (Schaller), Farmers Mutual Telephone Company d/b/a OmniTel Communications (OmniTel), and Breda Telephone Corp (Breda).² Interstate, Schaller, OmniTel, and Breda and their affiliates provide incumbent LEC services in rural areas in Iowa, as well as intrastate and interstate long distance services in their incumbent LEC service areas.³ Applicants state that Swisher has no overlapping or adjacent service areas with any of TAC's local exchange carrier affiliates. Pursuant to the terms of the proposed transaction, TAC will acquire all of the issued and outstanding Class A voting stock and all but three shares of the Class B non-voting stock from Swisher. Applicants assert that the proposed transaction is

¹ 47 C.F.R. § 63.03; *see* 47 U.S.C. § 214. Applicants are also filing applications for the transfer of control of wireless authorizations. Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications.

² Applicants state that Interstate is owned 100 percent by Interstate 35 Telephone Co., an Iowa corporation that is owned by the following U.S. citizens: Robert Mauer (35 percent), Virginia Mauer Cox (30 percent), Valerie Weis (30 percent). Schaller is owned by the following U.S. citizens: Steve Reimers (46 percent), Missy Kestel (35.5 percent), and Joann Reimers (15.5 percent). Applicants further state that no entity or individual owns more than 10 percent of the equity of OmniTel or Breda.

³ Applicants state that Interstate, Schaller, OmniTel, and Breda and their affiliates also hold interests in companies providing wireless communications services. Interstate, Schaller, and Breda and their affiliates provide competitive LEC services in areas in Iowa that are outside of the service area of Swisher, and also hold interests in Spiralight Networks, LLC, a competitive LEC that provides service in Wisconsin, Illinois, and Minnesota.

entitled to presumptive streamlined treatment under section 63.03(b)(2)(iii) of the Commission's rules and that a grant of the application will serve the public interest, convenience, and necessity.⁴

Domestic Section 214 Application Filed for the Transfer of Control of Swisher Telephone Company to Telephone Acquisition Company, LLC, WC Docket No. 08-36 (filed Mar. 6, 2008).

GENERAL INFORMATION

The Wireline Competition Bureau finds, upon initial review, that the transfer of control identified herein is acceptable for filing as a streamlined application. The Commission reserves the right to return any transfer of control application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Pursuant to section 63.03(a) of the Commission's rules, 47 C.F.R. § 63.03(a), interested parties may file comments **on or before April 1, 2008**, and reply comments **on or before April 8, 2008**. Unless otherwise notified by the Commission, the Applicants may transfer control on the 31st day after the date of this notice.⁵ Comments must be filed electronically using (1) the Commission's Electronic Comment Filing System (ECFS) or (2) the Federal Government's eRulemaking Portal. *See* 47 C.F.R. § 63.03(a) ("All comments on streamlined applications shall be filed electronically . . ."); *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Comments may be filed electronically using the Internet by accessing the ECFS, <http://www.fcc.gov/cgb/ecfs/>, or the Federal eRulemaking Portal, <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.

In addition, email one copy of each pleading to each of the following:

- 1) The Commission's duplicating contractor, Best Copy and Printing, Inc., fcc@bcpiweb.com; phone: 202 / 488-5300; fax: 202 / 488-5563;
- 2) Tracey Wilson-Parker, Competition Policy Division, Wireline Competition Bureau, tracey.wilson-parker@fcc.gov;
- 3) Jodie May, Competition Policy Division, Wireline Competition Bureau, jodie.may@fcc.gov;

⁴ 47 C.F.R. § 63.03(b)(2)(iii).

⁵ Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

- 4) David Krech, International Bureau, Policy Division, International Bureau, david.krech@fcc.gov; and
- 5) Jim Bird, Office of General Counsel, jim.bird@fcc.gov.

Filings and comments are available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554; telephone: 202 / 488-5300; fax: 202 / 488-5563; email: fcc@bcpiweb.com; url: www.bcpiweb.com.

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For further information, please contact Tracey Wilson-Parker at 202 / 418-1394 or Jodie May at 202 / 418-0913.

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